

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Gad AZRIEL et al.

Serial No.: 09/584,581

Group Art No.: 2614

NOV 15 2006

Filed: 05/31/2000

Examiner: J. T. Phan

Attorney Docket No.: 2880 US

Title: FOUR CHANNEL AUDIO RECORDING IN A PACKET BASED NETWORK

Certificate of Transmission via Facsimile Under 37 CFR § 1.8

I hereby certify that the enclosed correspondence is, on the date shown, being transmitted by facsimile to the Patent and Trademark Office to telephone number 1-571-273-8300.

November 15, 2006
Date

Maureen Capozzi
Name: Maureen Capozzi

Commissioner for Patents
Mail Stop Petition
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

TRANSMITTAL

Enclosed please find the following documents:

- ☒ Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action (2 pgs);
- ☒ Exhibit A (1 pg);
- ☒ Exhibit B (1 pg);
- ☒ Exhibit C (1 pg);
- ☒ Exhibit D (5 pgs);
- ☒ Exhibit E (1 pg);
- ☒ Exhibit F (3 pgs);
- ☒ Exhibit G (1 pg);
- ☒ Exhibit H (3 pgs).

Please charge any deficiencies or overpayments to Deposit Account No. 503650.

Respectfully submitted,

Date: 15 November 2006By: 

Renato M. de Luna
Registration No. 36,780
Attorney for Applicant
3Com Corporation
350 Campus Drive
Marlborough, MA 01752
Telephone: 508-323-1265

BEST AVAILABLE COPY

NOV 15 2006

Att'y Dkt. No. 2880 US

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicant: Gad AZRIEL *et al.*

Group Art Unit: 2614

Serial No.: 09/584,581

Examiner: J.T. Phan

Filed: May 31, 2000

For: FOUR CHANNEL AUDIO RECORDING
IN A PACKET BASED NETWORK

Marlborough, Massachusetts 01752
November 15, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION
(MPEP 711.03(c) II and 37 CFR § 1.181)

Dear Sir:

1. PETITION:

Applicants hereby petition the Commissioner to withdraw the outstanding Notice of Abandonment, dated October 30, 2006. As set forth in the Statement hereunder, the subject application went "abandoned" for failure to pay an issue fee, despite applicants not having ever received a Notice of Allowance.

2. FEE:

In accordance with MPEP 711.03(c) II and 37 CFR § 1.181, no fee is required for this petition.

3. STATEMENT:

(a) Prior to June 20, 2006, the subject application was being prosecuted by a former outside patent counsel (i.e., Howard Zaretsky) to 3Com Corporation (i.e., the assignee of the subject application). By a letter dated February 22, 2006, said former outside patent counsel was instructed by 3Com Corporation to commence transferring responsibility for the subject application (among many others) to 3Com's in-house patent counsel (i.e., the undersigned). (See, Exhibit A)

(b) On June 14, 2006 -- still in the midst of transferring said responsibility -- former outside patent counsel contacted the undersigned by e-mail, reporting that, in connection with the subject application, "Examiner Phan [called to] ... discuss a claim in order to place the case in condition for allowance." (See, Exhibit B). At this time, revised powers of attorney were still pending.

(c) On June 19, 2006, the undersigned called Examiner Phan to discuss the Examiner's suggestions for bringing the case to allowance. Agreement was reached, and the Examiner instructed the undersigned to fax him a revised Power of Attorney so that he could affect said agreement and issue a notice of allowance. (See, Exhibit C). On the following day, as per Examiner's instructions, the undersigned faxed the examiner the requested power of attorney, which was followed up with a voice mail confirmation. (See, Exhibits C and D). No further communications were received from the Examiner.

NOV 15 2006

U.S. Ser. No. 09/584,581
November 15, 2006
Page 2 of 2

(d) On July 10, 2005, 3Com received the PTO's "Notice of Acceptance of Power of Attorney" (dated 07/07/2006). (See, Exhibit E). The Notice was duly docketed. (See, Exhibit G.)

(e) Recently, on November 3, 2006 – several months after 3Com's last docketed entry – 3Com received a "Notice of Abandonment", dated 10/30/2006. (See, Exhibit F). According to the Notice of Abandonment, the subject application was abandoned because the "issue fee and publication fee, if applicable, has not been received".

(f) The undersigned contends that 3Com Corporation never received a Notice of Allowance.

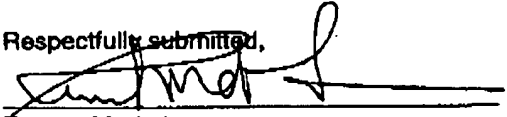
(g) Further to Par. 3(f), the undersigned hereby submits 3Com Corporation's docket record for the subject application. (See, Exhibit G.). The last (and only) entry is said "Notice of Acceptance of Power of Attorney". There are no entries prior to this, because – as noted in Par. 3(a), above – the subject application was at the time being handled by former outside counsel. Also, the current Notice of Abandonment does not appear in the docket, owing to the need to pull it out of queue to more quickly attend to this Petition.

(h) More conclusively, the undersigned also hereby submits the PTO's "Notice of Allowance". (See, Exhibit H) The undersigned found the Notice of Allowance on PAIR only upon investigating the present "Notice of Abandonment". Despite Examiner Phan's instruction and suggestions, the "Notice of Allowance" wasn't mailed to the undersigned, but to Greenburg Traurig, LLP. The undersigned is not familiar with this firm, but surmise that it may be the former outside patent counsel's former employer or a firm otherwise affiliated with him. Whatever the relationship, the recipient of the Notice of Allowance was not an agent of or attorney for 3Com Corporation at the time of receipt. No communication was received by 3Com Corporation from this firm that the Notice of Allowance was sent to them.

4. CONCLUSION:

On the basis of the showing set forth hereinabove, the outstanding Notice of Abandonment should be withdrawn, and a new Notice of Allowance should be mailed to the undersigned attorney of record.

Respectfully submitted,


Renato M. de Luna
Registered Patent Attorney
Registration No. 36,780
3COM CORPORATION
350 Campus Drive
Marlborough, Massachusetts 01752

RMD/--
Attachments:
Transmittal (1 pg.)
Ex. A-H (17 pgs.)

Certificate of Mailing/Transmission (37 CFR 1.8)

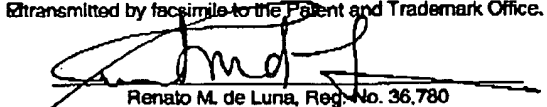
I hereby certify that this correspondence is, on the date shown below, being:

Mailing

☐ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450.

Facsimile

☒ Transmitted by facsimile to the Patent and Trademark Office.


Renato M. de Luna, Reg. No. 36,780
Date: November 15, 2006

NOV 15 2006


3Com

350 Campus Drive
Marlborough, MA 01752

Renato M. de Luna
Phone: 508.323.1265
Fax: 508.323.0325

February 22, 2006
(Via Fax; Original by Mail)

Mr. Howard Zaretsky
ZARETSKY & ASSOCIATES PC
8753 West Runion Drive
Peoria, Arizona 85382

Re: 3Com Patents and Applications

Dear Mr. Zaretsky:

3Com Corporation has decided to "bring in-house" all patent prosecution matters currently assigned to your firm. Please be assured that this is solely a business decision, reflective of 3Com's continuing internal restructuring, not the services provided by you or your firm.

To facilitate this transition, we kindly request the following:

- (1) Please fax to us at your earliest possible convenience a list identifying all 3Com patent files (issued and pending, U.S. and foreign) currently held by your firm, providing the serial number and a brief status remark (e.g., "issued", "allowed", "final OA", etc.) for each.
- (2) For all pending U.S. and foreign patent applications for which no response is due prior to March 31, 2006, please stop all substantive work and transfer the complete original physical file to our address in Marlborough at your earliest possible convenience. (Please also instruct foreign agents for any foreign counterparts to begin communicating directly with the 3Com Patent Department.)
- (3) For all pending U.S. and foreign patent applications for which a response is due prior to March 31, 2006, please complete and file the response, and then transfer the complete original physical file to our address in Marlborough.
- (4) Please await instructions regarding 3com's issued patent files.

We will attend to changing the powers of attorney and PTO customer number upon our receipt of the physical files.

If you have any questions, please do not hesitate to contact me at 508-323-1265.

Thank you for your cooperation.

Sincerely,


Renato M. de Luna
CHIEF PATENT COUNSEL
3COM CORPORATION

RMD/--
Attachments: None



"Howard Zaretsky"
<howie@zaretskyIP.com>

To Renato deLuna/US/3Com@3Com

cc

bcc

06/14/2006 06:08 PM

Subject call from Examiner

Please respond to
"Howard Zaretsky"
<howie@zaretskyIP.com>

This message has been edited.

CONFIDENTIAL & PRIVILEGED

ATTORNEY-CLIENT PRIVILEGE

Title: four channel audio recording in a packet based network

Inventors: Gad Azriel, Yackov Sfadya

Serial No.: 09/584,581 Filed: 5/31/2000

Our Ref. No.: 12406.0040

Assoc. Ref. No.: S0873-001-9445

Client Ref. No.: 2880.NCD.US.P

Renato,

I received a call from Examiner Phan today (571-272-7544) requesting to discuss a claim in order to place the case in condition for allowance. There may be more work involved than a simple phone call but in any case I informed him that 3Com is handling this case now. I have enclosed the relevant files you may need to discuss this with him. The issue is new claim 29. Claims 1 and 13 he found allowable.

Regards,
Howie

Howard Zaretsky
Zaretsky & Associates PC
8753 W Runion Dr
Peoria AZ 85382
email: howie@zaretskyIP.com
Voice: 623-362-2585
Fax: 623-362-3885

The information contained in this electronic mail message is confidential information intended only for the use of the individual or entity named above, and may be privileged. The information herein may also be protected by the Electronic Communications Privacy Act, 18 USC Sections 2510-2521. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please delete the original message.

[attachment "C.htm" deleted by Renato deLuna/US/3Com]
[attachment "office action 2 final.pdf" deleted by Renato deLuna/US/3Com]
[attachment "response OA 1.doc" deleted by Renato deLuna/US/3Com]
[attachment "response OA 2 final.doc" deleted by Renato deLuna/US/3Com]
[attachment "specification6-40.rtf" deleted by Renato deLuna/US/3Com]
[attachment "12406-40.pdf" deleted by Renato deLuna/US/3Com]

3COM

MEMORANDUM

To: 2880 US
From: R.M. de Luna RMD
Date: June 19, 2006
Subject: Examiner Conference

Examiner Phan (571-272-7544) called regarding the allowability of claims 1-28, and stated he would issue a notice of allowance if claims 29 et seq. were cancelled.

I agreed to cancel claims 29 et seq.

Examiner Phan also mentioned that a change in power of attorney was needed. I indicated that I would have it done tomorrow (June 20), with a copy faxed to him.

RMD/--

P.S. Cancelled claims 29 et seq. should be reviewed upon receiving the Notice of Allowance to determine whether a divisional should be filed prior to payment of the issue fee.

Update: Called Examiner Phan and left voicemail message
confirming faxing of Power of attorney to PTO.
June 20, 2006
1:40 pm

RMD

USPTO
Auto-reply fax to 5083230325 COMPANY: 6/20/2006 1:27:43 PM FAX 061481

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 5083230325

Fax Information

Date Received:

6/20/2006 1:27:43 PM [Eastern Daylight Time]

Total Pages:

3 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
=====>

6/20/2006 1:27:43 5083230325		PAGE 01
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE		
Applicant:	Geo Aerial et al.	Group Art No.: 2645
Serial No.:	08/094,081	Examiner: Joseph T. Phan
Filed:	06/11/2006	
Attorney Doctel No.	2680 JG	
Title: FOUR CHANNEL AUDIO RECORDING IN A PACKET BASED NETWORK		
Certificate of Transmission via Facsimile Under 37 CFR § 1.8		
I hereby certify that the enclosed correspondence is, on the date shown, being transmitted by facsimile to the Patent and Trademark Office to telephone number 1-877-273-8200.		
Date:	6/20/2006	Maurice Capozzi
Attn: USPTO Customer Service Client/Inventor for Patents P.O. Box 1000 Alexandria, VA 22313-1000		
Dear Sir:		
TRANSMISSION		
Enclosed please find the following documents:		
<input checked="" type="checkbox"/>	Power of Attorney to Prosecute Application Before the USPTO (PTOABR/PA)	
<input checked="" type="checkbox"/>	Statement Under 37 CFR 3.73(b) (PTO388B)	
<input checked="" type="checkbox"/>	Authorization to charge Deposit Account No. 003060	
Please charge any deficiencies or overpayments to Deposit Account No. 303060.		
Respectfully submitted,		
Date:	June 20, 2006	By: [Signature]
Reginald M. de Luna Registration No. 38,760 Attorney for Applicant Xerox Corporation 300 Campus Drive Marlborough, MA 01782 Telephone: 508-323-1286		
PAGE 01 * 06/20/2006 1:27:43 PM Eastern Daylight Time * FAX 061481 * 5083230325 * 08/094081 * 2645		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
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NOV 15 2006

Applicant: Gad Azriel et al.

Serial No.: 09/584,581

Group Art No.: 2645

Filed: 05/31/2000

Examiner: Joseph T. Phan

Attorney Docket No.: 2880 US

Title: FOUR CHANNEL AUDIO RECORDING IN A PACKET BASED NETWORK

Certificate of Transmission via Facsimile Under 37 CFR § 1.8

I hereby certify that the enclosed correspondence is, on the date shown, being transmitted by facsimile to the Patent and Trademark Office to telephone number 1-571-273-8300.

6/20/2006
Date

Maureen Capozzi
Name: Maureen Capozzi

Attn: OIPE Customer Service
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

TRANSMITTAL

Enclosed please find the following documents:

- ☒ Power of Attorney to Prosecute Applications Before the USPTO (PTO/SB/80)
- ☒ Statement Under 37 CFR 3.73(b) (PTO/SB/96)
- ☒ Authorization to charge Deposit Account No. 503650.

Please charge any deficiencies or overpayments to Deposit Account No. 503650.

Respectfully submitted,

Date: June 20, 2006By: 

Renato M. de Luna
Registration No. 36,780
Attorney for Applicant
3Com Corporation
350 Campus Drive
Marlborough, MA 01752
Telephone: 508-323-1265

RECEIVED
CENTRAL FAX CENTER

PAGE 09

NOV 15 2008

Approved for use through 12/31/2008. U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE.
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POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 1.72(b).

I hereby appoint:

☒ Practitioner associated with the Customer Number:

000063453

☐ Practitioner(s) named below (if more than two named practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned solely to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 1.72(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 1.72(b) to:

☒ The address associated with Customer Number:

000063453

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone			

Assignee Name and Address:

S-Com Corporation
360 Campus Drive
Methuen, MA 01762

A copy of this form, together with a statement under 37 CFR 1.72(b) (from PROXIMITY or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 1.72(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

Signature of Assignee of Record		
This has been signed by the assignee and is required before it can be used to act on behalf of the assignee.		
Signature		Date: 11/31/06
Name	John O. Quinn	Telephone: 508-323-1176
Firm	Attest: ProQuest, LLC	

This document is required by 37 CFR 1.30, 1.31 and 1.32. This document is required to certify or make a record of the fact that the undersigned is the assignee of the application. Consistency is required by 37 U.S.C. 182 and 37 CFR 1.11 and 1.14. This document is required to be filed in each application in which this form is used. The statement under 37 CFR 1.72(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed. U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 108, Alexandria, VA 22304-0108. 508 RST 5080 F270 ON COMPTON FORUM TO THE ASSOCIATION. SING FOR: Commissioner for Patents, P.O. Box 108, Alexandria, VA 22304-0108.

If you need assistance in completing this form, call 1-800-FR-0117 and select option 2.

NOV 15 2006

PTO/SB/06 (09-04)

Approved for use through 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: 3Com CorporationApplication No./Patent No.: 09/584,581 Filed/Issue Date: 05/31/2000Entitled: **FOUR CHANNEL AUDIO RECORDING IN A PACKET BASED NETWORK**3Com Corporation a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 010639 Frame 0088, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____ Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____ Frame _____, or for which a copy thereof is attached.

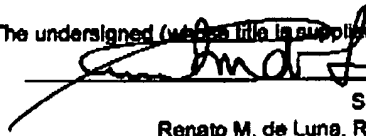
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____ Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.


Signature
Renato M. de Luna, Registration No. 36,780

June 20, 2006
Date
508.323.1265

Printed or Typed Name

Chief Patent Counsel, 3 Com Corporation

Title

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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TIME : 06/20/2006 13:29

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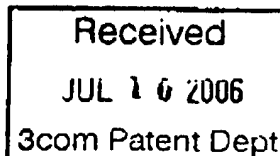


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/584,581	05/31/2000	Gad Azriel	2880 US

000056436
3COM CORPORATION
350 CAMPUS DRIVE
MARLBOROUGH, MA 01752-3064



CONFIRMATION NO. 4648



Date Mailed: 07/07/2006

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/20/2006.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

WUBALEM TSIGE
PTOSS (703) 305-3006

ATTORNEY/APPLICANT COPY

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By <i>MC</i>
Due

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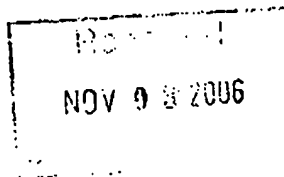
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,581	05/31/2000	Gad Azriel	2880 US	4648

56436 7590 10/30/2006

3COM CORPORATION
350 CAMPUS DRIVE
MARLBOROUGH, MA 01752-3064



EXAMINER

PHAN, JOSEPH T

ART UNIT PAPER NUMBER

2614

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/584,581

Applicant(s)

AZRIEL

Examiner

Art Unit

PHAN

2614

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(e) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

lqd

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.
U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04/01)

Attachment to Notice of Abandonment

For questions concerning the notice contact

Office of Patent Publication

Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patent/pub/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) III and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) IIII)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

Country Application

Wednesday, November 15, 2006

Page: 1

Docket Number: 2880.US.P **Country:** US **SubCase:**
Division: Network Convergence Design **United States of America**
Case Type: ORD **Application Status:** Pending
Application Number: 09/584,581 **Filing Date:** 31-May-2000
Publication Number: **Publication Date:**
Patent Number: **Issue Date:**
Parent/PCT Number: **Parent/PCT Date :**
Parent Issue Number: **Parent Issue Date :**
Tax Schedule: **Expiration Date:** 26-May-2020
Confirmation #: **Patent Term Adjustment:** 0
Owner: 3 3Com
Agent: 3COM **Agent Reference #:** 12406.0040
3Com Corporation
App.Title: Four Channel Audio Recording In A Packet Based Network
Family Reference: **Inventors:**
Azriel, Gad
Sfadya, Yackov
Remarks: 7.7.06 Notice of Acceptance of POA.
Abstract:

Priorities

Country	Case Type	Application #	Filing Date
United States of America	ORD	09/584,581	31-May-2000

Created By: Rod Djukich**User ID:** Maureen**Date Created:** 04-Jan-2000**Last Update:** 18-Jul-2006

NOV 15 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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NOTICE OF ALLOWANCE AND FEE(S) DUE

31108 7590 06/23/2006

PAUL J. SUTTON, ESQ., BARRY G. MAGIDOFF, ESQ.
GREENBERG TRAURIG, LLP
200 PARK AVENUE
NEW YORK, NY 10166

EXAMINER

PHAN, JOSEPH T

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 06/23/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,581	05/31/2000	Gad Azriel	12406,0040	4648

TITLE OF INVENTION: FOUR CHANNEL AUDIO RECORDING IN A PACKET BASED NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	09/25/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 3a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Page 1 of 3

PTOL-85 (Rev. 01/06) Approved for use through 04/30/2007.

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PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
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CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

31103 7590 06/23/2006

PAUL J. SUTTON, ESQ., BARRY G. MAGIDOFF, ESQ.
GREENBERG TRAURIG, LLP
200 PARK AVENUE
NEW YORK, NY 10166

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,581	05/31/2006	Ged Aziel	12403.0040	4648

TITLE OF INVENTION: FOUR CHANNEL AUDIO RECORDING IN A PACKET BASED NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1460	\$0	\$1460	09/25/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
PHAN, JOSEPH T	2614	379-008010

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1	_____
2	_____
3	_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by check to the required fee(s), or credit any overpayment, to Deposit Account Number _____ (attach an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(a)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,581	05/31/2000	Carl Azriel	12406.0040	4648
31108	7590	06/23/2006	EXAMINER	
PAUL J. SUTTON, ESQ., BARRY G. MAGIDOFF, ESQ. GREENBERG TRAURIG, LLP 200 PARK AVENUE NEW YORK, NY 10166			PHAN, JOSEPH T	
			ART UNIT	PAPER NUMBER
			2614	
DATE MAILED: 06/23/2006				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1407 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1407 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

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